

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

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| RICHARD GLOSSIP, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-14-665-F |
| |) | |
| RANDY CHANDLER, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

JOINT NOTICE REGARDING PLAINTIFFS' MOTION TO COMPEL (DOC. 611)

On February 23, 2022, this Court ordered the parties to appear, in the person of at least one counsel of record from each side, at this Court's chambers at 12:30 p.m. on February 24, 2022, to discuss the matters presented in Plaintiffs' Motion to Compel Production of Materials Concerning the Executions of Bigler Stouffer, Donald Grant, and Gilbert Postelle. (Doc. 625; Doc. 611). This Court also set a hearing to address any unresolved matters regarding Plaintiffs' Motion to Compel at 2:00 p.m. on February 24, 2022. (Doc. 625). After conferring, the parties inform the Court of the following:

1. As of the filing of this Notice, Defendants provided to Plaintiffs documents and things requested in Plaintiffs' Motion to Compel (Doc. 611) except for Donald Grant's and Gilbert Postelle's autopsy and toxicology reports. Defendants have confirmed that "with respect to the J. Grant, Stouffer, and D. Grant executions, we have provided all execution logs, all EKG/pulse oximeter and blood pressure data whether in photos of strips and otherwise, and any photos or videos of the execution or the body after execution of which we are aware. . . . With the most recent

production, we have also produced all such remaining materials for the Postelle execution.” (Exhibit 1, emails between Plaintiffs’ counsel Emma Rolls, Defendants’ counsel Mithun Mansinghani, and counsel for the Oklahoma Chief Medical Examiner, (OCME), Devan Pederson dated February 21-23, 2022).

2. In response to Ms. Rolls’s February 21, 2022 email, in which she inquired whether the OCME generates preliminary reports within 48 hours of death, Mr. Mansinghani copied Assistant Attorney General Devan Pederson, counsel for the OCME, and suggested Mr. Pederson might be able to provide further details about the availability of any preliminary reports. (Exhibit 1).
3. On February 23, 2022, Mr. Pederson responded that “OCME doesn’t do preliminary reports. I will let you know as soon as the D. Grant report is ready. It could be within the next ten days.” (Exhibit 1). In a later response to Ms. Rolls’s email inquiring about the timing of the autopsy and toxicology reports for Gilbert Postelle, Mr. Pederson stated “I’m not sure on that one. I would guess 30-45 days from now at best.” (Exhibit 1).
4. Ms. Rolls twice asked whether Defendants would be willing to join Plaintiffs in a request to the Court to keep the record open for the trial scheduled to begin February 28, 2022, until Plaintiffs are able to present the autopsy and toxicology reports of Messrs. Postelle and D. Grant through expert testimony. Doing so would likely involve holding the record open to allow scheduling a partial day of testimony on these reports before closing the record. Defendants object to keeping the record open. (Exhibit 1; *see also* Doc. 617 at 5-6, in which Plaintiffs requested an

opportunity to supplement the trial record with the autopsy and toxicology reports for Messrs. Postelle and D. Grant).

As the only remaining issue is whether the Court will keep the trial record open so that Plaintiffs are able to present the autopsy and toxicology reports of Messrs. Postelle and D. Grant through expert testimony, the parties believe that the meeting between the parties currently set for February 24, 2022 at 12:30 p.m. is unnecessary. The parties are willing to appear for such meeting should this Court believes it is still necessary and will appear for the hearing currently scheduled for February 24, 2022 at 2:00 p.m.

Respectfully submitted this 23rd day of February, 2022.

s/ Emma V. Rolls

Emma V. Rolls, OBA # 18820
Office of the Federal Public Defender
215 Dean A. McGee Ave., Suite 707
Oklahoma City, OK 73102
Telephone: (405) 609-5975
Emma_Rolls@fd.org

Harry P. Cohen (admitted *pro hac vice*)
Michael K. Robles (admitted *pro hac vice*)
James K. Stronski (admitted *pro hac vice*)
Adam Singer (admitted *pro hac vice*)
Kenton Walker (admitted *pro hac vice*)
Anne Elise Li (admitted *pro hac vice*)
CROWELL & MORING LLP
590 Madison Avenue
New York, NY 10022
Telephone: (212) 223-4000
hcohen@crowell.com
mrobles@crowell.com
jstronski@crowell.com
asinger@crowell.com
kentwalker@crowell.com
ali@crowell.com

Jon M. Sands
Federal Public Defender District of
Arizona
Dale A. Baich (OH Bar No. 0025070)
Jennifer M. Moreno (CA Bar No. 244967)
850 West Adams Street, Suite 201
Phoenix, Arizona 85007
Telephone: (602) 382-2816
Facsimile: (602) 889-3960
dale_baich@fd.org
jennifer_moreno@fd.org

COUNSEL FOR PLAINTIFFS

Alex Kursman
Shawn Nolan
Lynne Leonard
Assistant Federal Defenders Capital Habeas Unit
Federal Community Defender Office for the Eastern
District of Pennsylvania
601 Walnut Street
Philadelphia, PA 19106
Telephone: (215) 928-0520

COUNSEL FOR PHILLIP HANCOCK

Mithun Mansinghani,
Solicitor General
Bryan Cleveland
Zach West
Andy N. Ferguson
Assistant Solicitors General
Jennifer Crabb
Assistant Attorney General
Oklahoma Attorney General's Office
13 NE 21st Street
Oklahoma City, OK 73105
Telephone: (405) 521-3921
Facsimile: (405) 521-4518
mithin.mansinghani@oag.ok.gov

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2022, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record who are registered participants of the Electronic Case Filing System.

s/ Emma V. Rolls